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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/813,714	03/07/1997	DAVID M. SIEFERT	6002.03	3800

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JAMES M. STOVER
NCR CORPORATION
1700 SOUTH PATTERSON BLVD, WHQ4
DAYTON, OH 45479

EXAMINER

LAO, SUE X

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 08/13/2002

37

Please find below and/or attached an Office communication concerning this application or proceeding.

JK

Office Action Summary

Application No.
08/813,714

Applicant(s)

Siefert

Examiner

S. Lao

Art Unit

2151



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 29, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-22 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

1. Claims 15-22 are pending. This action is in response to the amendment filed 5/29/2002. Applicant has amended claim 15.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The non-statutory double patenting rejection, whether of the obviousness-type or non-obviousness-type, is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent. *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); and *In re Goodman*, 29 USPQ2d 2010 (Fed. Cir. 1993).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(b) and © may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claim 15 is rejected under the judicially created doctrine of obviousness - type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,699,526 in view of Pisello et al (U. S. Pat. 5,495,607) and Miller et al (U. S. Pat. 5,475,819). Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed feature that the resources includes physical and soft resources is met by Miller et al (hardware and software service facilities) and the claimed feature that a

profile is assigned a category is met by Pisello et al (each entry of the virtual catalog is assigned searchable fields). Note discussion of claim 15 for details. Other limitations of claim 15 are met by claim 1 of U.S. Patent No. 5,699,526.

Claim 15 is rejected under the judicially created doctrine of obviousness - type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,721,906 in view of Pisello et al (U. S. Pat. 5,495,607) and Miller et al (U. S. Pat. 5,475,819). Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed feature that the resources includes physical and soft resources is met by Miller et al (hardware and software service facilities) and the claimed feature that a profile is assigned a category is met by Pisello et al (each entry of the virtual catalog is assigned searchable fields). Note discussion of claim 15 for details. Other limitations of claim 15 are met by claim 1 of U.S. Patent No. 5,721,906.

5. Claims 15-20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pisello et al (U. S. Pat. 5,495,607) in view of Miller et al (U. S. Pat. 5,475,819).

As to claim 15, Pisello teaches a resource management system, comprising:

(a) a plurality of servers (150, 110, 120, 140) grouped into interconnected (via network-linking backbone 105, fig. 1) regional servers (domain administrating server DAS 150 for each domain) and local servers (DAS-managed file servers 110, 120, 140), wherein the regional servers serve a region (domain) and hold one or more profiles (entries in domain-wide virtual catalog 150.00, table 2) for resources (files) associated with the local servers within the region (stored at DAS-managed file servers 110, 120, 140); [col. 6, lines 38-65]

© each of the resources (files) having at least one of the profiles (entry/entries in virtual catalog 150.00) associated therewith, wherein each of the profiles (entry) includes a description (attributes / fields such as File_name) and a location (File_source) of the associated resource, and wherein each of the profiles, when created, is assigned to a category (searchable field(s), such as that represented by name, or extension of name); [col. 13-14, table 2]

(d) one or more user computers (administrator workstation 160 including GUI 165, user workstation 170) interconnected with (via network-linking backbone 105) the regional and local servers [fig. 1], and including means for storing the profiles of the resources into one or more of the regional servers (domain-wide scan for virtual catalog snapshots scheduled via administrator GUI 165), means for searching the profiles stored in the regional servers (search virtual catalog 150.00) [col. 15, lines 24-51; col. 16, lines 52-67] by category (searchable fields) [col. 15, lines 35-51], and means for requesting the delivery of resources associated with the local servers (transfer/migrate files via GUI 165) based on the searched profiles (after consulting virtual catalog 150.00 via GUI 165) [table 3 and denoting text; col. 22, lines 61-67; col. 24, lines 62-67].

While Pisello teaches that the resources managed by the regional and local servers includes soft resources (files) downloadable from the local servers (via workstations 160, 170), Pisello does not teach that the resources also includes physical resources not downloadable from the local servers.

Miller teaches managing resources (service facilities) under a hierarchy of regional (server-2 with name service 20 thereon) and local servers (server-1, server-3 with services A, B, D thereon), wherein the resources under management include both soft resources (software facilities such as databases) and physical resources (hardware facilities such as printers and disks) [col. 3, lines 24-39; col. 5, line 52 - col. 6, line 65]. Each resource/service has profile information, including description (specification), location (location) and category (service-A), stored in a regional server (name service 20) [col. 5, line 16 - col. 6, line 37]. It is noted that the physical resources such as printers and disks are not downloadable from the local servers. Given the teaching of Miller, it would have been obvious to also include physical resources into the resources under management in Pisello.

The motivations to combine Pisello with Miller includes the following. Pisello manages resources and profiles within domains and across domains (col. 28, lines 58-64), which, to one of ordinary skill in the art, would require a mechanism to integrate domain-wide profile information from different domains in order to make such information available

to the DASes. Pisello does not provide such a mechanism. Miller, on the other hand, provides a mechanism (chaining) to integrate domain/regional profile information (configuration profiles) from different domains/regions to make it available to all the domains/regions [col. 2, lines 6-25; fig.s 5 and 6 and denoting text]. Therefore, one of ordinary skill in the art would have been motivated to use the mechanism of Miller in Pisello to manage the profiles of resources.

As to claims 16 and 17, Pisello teaches the user computer further comprises means for storing (work station GUI) the soft resources into one or more of the local servers (to schedule file transfer/migration) [col. 27, lines 47-63; col. 28, lines 23-53]. It is noted that a file transfer/migration typically involves copying/removing a file from a source and storing it at the destination. It is further noted that a typical file transfer/migration also involves uploading a file from a source and downloading it to the destination / local server.

As to claims 18 and 19, Pisello teaches a regional server comprises means for storing a profile that contains user information (FileUser information in virtual catalog 150.00) and means for restricting the user's access to the resources based on the information contained in the profile (netware attributes such as ReadOnly). See col. 15, lines 24-51. It is noted that netware attributes such as ReadOnly restricts the use of the underlying resource to read-only.

As to claim 20, Pisello teaches means for performing a Boolean key-word search (search by fields) of the profiles stored in the regional servers. See col. 13, lines 5-10; col. 15, lines 24-51; col. 16, lines 52-58.

As to claim 22, Pisello as modified teaches a plurality of collections of the profiles are each stored in different ones of the regional servers (Pisello, domain-wide virtual catalog at each of the multiple DASes) [col. 28, lines 58-64], and each of the collections contains substantially all of the profiles (Miller, replicated name service databases) [col. 6, lines 19-36]. Note discussion of claim 15 for a motivation to combine.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pisello et al in view of Miller et al as applied to claim 15 and in view of Terry et al.

As to claim 21, Terry teaches a resource profile / database management system (Tapestry system), including means for ordering a search of any of the profiles to be performed at a future time (continuous queries, scan the incoming record), see abstract; section 1.0; fig.s 1 and 3. Given the teaching of Terry, it would have been obvious to include a means for ordering a search of any of the profiles to be performed at a future time into the system of Pisello as modified by Miller. In so doing, monitoring of file transfers/migrations in Pisello as modified would have been enhanced.

7. Applicant's arguments filed 5/29/2002 have been fully considered but they are not persuasive.

Applicant argued in substance (1) that Pisello only stores information on non-physical resources, (2) that Miller does not describe storing profiles for both soft and physical resources, (3) that Miller does not describe the delivery of its physical resources, (4) that Terry does not overcome deficiencies of Pisello and Miller regarding claim 15, (5) that the prior art references, taken individually or in combination, do not teach that the resources are classified both as physical resources and soft resources, wherein the physical resources are not downloadable from the local servers and the soft resources are downloadable from the local servers, (6) that the prior art references do not teach that each resource has at least one of the profile associated therewith and each of the profiles include a description of the resource and a location of the associated resource, and wherein each of the profiles, when created, is assigned to a category, (7) that there is no recognition of "regional servers" and "local servers", nor there is no discussion of their respective functions of storing profiles in the regional servers and associating resources with local servers within the region, (8) that the present invention has the advantages of more interchangeable and more useful. [Remarks, page 6, line 1 - page 7, line 9].

The examiner's response is as follows. As to (1), Pisello is not relied on to teach storing information on physical resources which is met by Miller. Note rejection of claim 15 for detail.

As to (2), storing profiles for both soft and physical resources is met by the combination of Pisello and Miller, as detailed in the rejection of claim 15. Briefly, Pisello teaches storing profiles for soft resources as claimed, and Miller teaches storing profiles for physical as well as soft resources in that Miller stores profile information (such as specification and location) for services/resources which includes both software facilities such as databases and hardware facilities such as printers and disks.

As to (3), the argued delivering physical resources is not required by the claim language. See, for example, claim 15 which only requires "means for requesting delivery of the resources associated with local servers ..." (claim 15, lines 13-14). This feature is met by the file transfer/migration facility provided via the administrative GUI 165 in Pisello. Note the rejection of claim 15 for a detailed discussion. It is noted that the resources as claimed includes both soft and physical resources, therefore, means for requesting delivery of soft resources associated with local servers as taught by Pisello meets the means for requesting delivery of the resources associated with local servers as claimed.

As to (4), Terry is not relied on to teach the claimed limitations regarding claim 15 discussed in points (1)-(3) above, which are met by Pisello and/or Miller. Terry is cited in the rejection of claim 21.

As to (5), it is the combination of Pisello and Miller that provides the resources as claimed, as detailed in the rejection of claim 15 as follows: "*Pisello teaches ... resources (files) associated with the local servers within the region*" "*... While Pisello teaches that the resources managed by the regional and local servers includes soft resources (files) downloadable from the local servers (via workstations 160, 170), Pisello does not teach that the resources also includes physical resources not downloadable from the local servers.*" "*Miller teaches ... the resources under management include both soft resources (software facilities such as databases) and physical resources (hardware facilities such as printers and disks). It is noted that the physical resources such as printers and disks are not downloadable from the local servers. ...*". The soft resources/files are downloadable.

As to (6), this feature is met by the combination of Pisello and Miller, as discussed in the rejection of claim 15: *"Pisello teaches ... each of the resources (files) having at least one of the profiles (entry/entries in virtual catalog 150.00) associated therewith, wherein each of the profiles (entry) includes a description (attributes / fields such as File_name) and a location (File_source) of the associated resource, and wherein each of the profiles, when created, is assigned to a category (searchable field(s), such as that represented by name, or extension of name); [col. 13-14, table 2] "*, *"Miller teaches managing resources (service facilities) under a hierarchy of regional (server-2 with name service 20 thereon) and local servers (server-1, server-3 with services A, B, D thereon), wherein the resources under management include both soft resources (software facilities such as databases) and physical resources (hardware facilities such as printers and disks) [col. 3, lines 24-39; col. 5, line 52 - col. 6, line 65]. Each resource/service has profile information, including description (specification), location (location) and category (service-A), stored in a server (name service 20) [col. 5, line 16 - col. 6, line 37]. "*

As to (7), the regional servers and local servers as claimed are met by Pisello and Mill, as discussed in the rejection of claim 15 *"Pisello teaches ... (a) a plurality of servers (150, 110, 120, 140) grouped into interconnected (via network-linking backbone 105, fig. 1) regional servers (domain administrating server DAS 150 for each domain) and local servers (DAS-managed file servers 110, 120, 140), wherein the regional servers serve a region (domain) and hold one or more profiles (entries in domain-wide virtual catalog 150.00, table 2) for resources (files) associated with the local servers within the region (stored at DAS-managed file servers 110, 120, 140); [col. 6, lines 38-65]"; "Miller teaches ... regional (server-2 with name service 20 thereon) and local servers (server-1, server-3 with services A, B, D thereon), Each resource/service has profile information, including description (specification), location (location) and category (service-A), stored in a regional server (name service 20) [col. 5, line 16 - col. 6, line 37]."* In the previous office action, the examiner clearly mapped the claimed regional servers and local servers to the respective specific elements in Pisello and in Miller as well as relevant passages. Applicant in response did not provide any specific underlying analysis as to why the portions of Pisello

and Miller relied on do not support the examiner's position, which is disagreement without reason.

As to (8), by providing the structural and operational elements as claimed, the combination of Pisello and Miller provides the argued advantages. For example, Pisello provides better interchangeability by substituting requested resources at one network site with another (col. 3, line 62 - col. 4, line 34).

For these reasons above, applicant's arguments are not persuasive.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Lao whose telephone number is (703) 305-9657. A voice mail service is also available at this number. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7238 for After Final communications, (703) 746-7239 for Official communications and (703) 746-7240 for Non-Official/Draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Sue Lao
August 8, 2002

